

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**THE COUNTY COMMISSION OF
FAYETTE COUNTY, WEST VIRGINIA,
*Ex Rel. ANTHONY CILIBERTI, ESQ.,
Fayette County Prosecuting Attorney, , and
ANITA STEWART, D.O., Fayette County
Health Officer,***

Plaintiffs,

v.

**Civil Action No.: 2:22-cv-00441
Judge Irene C. Berger**

**GADSEN, GAILLARD, AND WEST, LLC
*A South Carolina Limited Liability Company,
and DENNIS EUGENE WEST, an Individual
and Resident of South Carolina,***

Defendants,

and

KANAWHA COUNTY COMMISSION,

Plaintiff,

v.

Civil Action No.: 2:23-cv-00142

**GADSEN, GAILLARD, AND WEST, LLC,
DENNIS WEST, and INNOSPEC ACTIVE
CHEMICALS LLC,**

Defendants,

and

INNOSPEC ACTIVE CHEMICALS LLC,

Cross-Claim Plaintiff/Third-Party Plaintiff,

v.

**DENNIS WEST and GADSEN, GAILLARD,
AND WEST, LLC, PINNACLE TRUCKING,**

**LLC D/B/A PINNACLE FREIGHT; and
BECKER LOGISTICS, LLC,**

Cross-Claim Defendants/Third-Party Defendants,

and

**ANDY KEES, LORA KEES,
CHEYENNE KEES, ANDI DANIELLE
KEES and MARY KEES,**

Plaintiffs,

v.

CIVIL ACTION NO. 2:23-CV-00205

**DENNIS WEST; GADSDEN, GAILLARD,
AND WEST, LLC; and INNOSPEC
ACTIVE CHEMICALS LLC,**

Defendants.

and

INNOSPEC ACTIVE CHEMICALS LLC,

Cross-Claim Plaintiff/Third-Party Plaintiff,

v.

**DENNIS WEST and GADSEN, GAILLARD,
AND WEST, LLC, PINNACLE TRUCKING,
LLC D/B/A PINNACLE FREIGHT; and
BECKER LOGISTICS, LLC,**

Cross-Claim Defendants/Third-Party Defendants.

**STIPUTLATION TO EXTEND
TIME TO MAKE RULE 26(A)(2) DISCLOSURES
FOR PARTIES NOT BEARING THE BURDEN OF PROOF ON AN ISSUE**

COMES NOW Plaintiffs the County Commission of Fayette County, West Virginia, and Anita Stewart, D.O., Fayette County Health Officer, *Ex. Rel.*: Anthony Ciliberti, Jr., Esq., Fayette Co. Prosecuting Attorney, by their counsel Michael Callaghan, Plaintiff, Kanawha County Commission, by counsel Isaac R. Forman, Esquire, Kayla S. Reynolds, and the law firm Hissam

Forman Donovan Ritchie, PLLC, Plaintiffs, Andy Kees, Lora Kees, Cheyenne Kees, Andi Danielle Kees, and Mary Kees, by counsel D. Scott Tyree and the law firm of Tyree, Embree and Associates, PLLC, and Defendants Gadsden, Gaillard, and West, LLC and Dennis Eugene West, by counsel, Gerald M. Titus, David L. Yaussy, and the law firm of Spilman Thomas & Battle, PLLC, Defendant/Cross-Claim Plaintiff/Third-Party Plaintiff, Innospec Active Chemicals LLC, by counsel, Stephen M. Fowler, Jacob D. Layne and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, Third-Party Defendant Pinnacle Trucking, LLC d/b/a Pinnacle Freight, by counsel, Tanya Kesner and the law firm of Kesner & Kesner, PLLC, Third-Party Defendant Becker Logistics, LLC, by counsel, Michelle L. Gorman, and the law firm of Lewis Brisbois Bisgaard & Smith, LLP, and pursuant to Rule 29 of the *Federal Rules of Civil Procedure* and stipulate that the time for any party not bearing the burden of proof on an issue to make the disclosures required under Federal Rule of Civil Procedure 26(a)(2)(A)-(C), shall be extended from November 20, 2023 to **November 30, 2023**.

<u>/s/ Isaac R. Forman</u> Isaac R. Forman (WVSB #11668) Kayla S. Reynolds (WVSB #13268) Hissam Forman Donovan Ritchie PLLC 707 Virginia Street, Suite 201 Charleston, West Virginia 25301 <i>Counsel for Plaintiff Kanawha County Commission</i>	<u>/s/ D. Scott Tyree</u> D. Scott Tyree (WVSB #6387) Tyree Embree and Associates, PLLC Hurricane, West Virginia 25526 <i>Counsel for Plaintiffs Andy Kees, Lora Kees, Cheyenne Kees, Andi Danielle Kees, and Mary Kees</i>
<u>/s/ Jacob D. Layne</u> Stephen M. Fowler (WVSB #5113) Jacob D. Layne (WVSB #11973) Pullin Fowler Flanagan Brown & Poe, PLLC 901 Quarrier Street Charleston, WV 25301 <i>Counsel for Innospec Active Chemicals LLC</i>	<u>/s/ Gerald M. Titus III</u> Gerald M. Titus III (WVSB #9392) David L. Yaussy (WVSB #4156) Spilman Thomas & Battle, PLLC 300 Kanawha Boulevard, East P.O. Box 273 Charleston, West Virginia 25321 <i>Counsel for Defendants Gadsden, Gaillard, and West, LLC and Dennis Eugene West</i>

<p><u>/s/ Tanya M. Kesner</u> Brent K. Kesner (WVSB #2022) Tanya M. Kesner (WVSB #5162) Kesner & Kesner, PLLC 112 Capitol Street Charleston, West Virginia 25329 <i>Counsel for Third-Party Defendant Pinnacle Trucking, LLC d/b/a Pinnacle Freight</i></p>	<p><u>/s/ Michelle L. Gorman</u> Michelle L. Gorman (WVSB #7329) Lewis Brisbois Bisgaard & Smith LLP 3054 Pennsylvania Avenue Weirton, West Virginia 26062 <i>Counsel for Third-Party Defendant Pinnacle Trucking, LLC d/b/a Pinnacle Freight</i></p>
<p><u>/s/ Michael O. Callaghan</u> Michael O. Callaghan (WVSB #5509) Chief Assistant Fayette Co. Prosecuting Atty. OFFICE OF THE FAYETTE COUNTY PROSECUTING ATTORNEY ENVIRONMENTAL & PUBLIC HEALTH PROTECTION UNIT c/o NEELY & CALLGAHAN 1337 Virginia Street East Charleston, WV 25301 <i>Counsel for Plaintiff the County Commission of Fayette County, West Virginia & Anita Stewart, D.O., Fayette County Health Officer, Ex. Rel.: Anthony Ciliberti, Jr., Esq., Fayette Co. Prosecuting Attorney</i></p>	

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Cross-Claim Defendants/Third-Party Defendants.

CERTIFICATE OF SERVICE

The undersigned counsel for Defendant/Cross-Claim Plaintiff/Third-Party Plaintiff Innospec Active Chemicals, LLC does hereby certify on this the 17th day of November 2023, that a true copy of the foregoing *Stipulation to Extend Time to Make Rule 26(a)(2) Disclosures For Parties Not Bearing the Burden of Proof on an Issue* was served with the Clerk of the Court using the CM/ECF

system which will send notification of such filing to:

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/s/ [Jacob D. Layne](#)
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JACOB D. LAYNE (WVSB #11973)